

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

THOMAS C. LYONS,

Plaintiff,

v.

Case Number 06-13381-BC  
Honorable Thomas L. Ludington

PATRICIA L. CARUSO, C. HESS,  
BLAINE LAFLER,

Defendants.

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**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND  
RECOMMENDATION AND DISMISSING CASE**

This matter is before the Court on a report issued by Magistrate Judge Charles E. Binder on September 20, 2006. The magistrate judge recommended that the plaintiff's case, in which he claimed that prison officials lost his personal items, be dismissed with prejudice for failure to state a claim on which relief may be granted, under 28 U.S.C. § 1915A, 28 U.S.C. § 1915(e), and 42 U.S.C. § 1997e(c)(1). The plaintiff filed no objections within ten days of service of the report.

The plaintiff's failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the conclusions of the magistrate judge.

On October 2, 2006, the plaintiff filed a motion for extension of time to object within ten days of service of the report. The plaintiff states his need to research a complex area of law, but this basis is inadequate to justify granting the plaintiff additional time. *See* Fed. R. Civ. P. 6(b).

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt #9] is **ADOPTED** and the case is **DISMISSED WITH PREJUDICE**.

It is further **ORDERED** that the plaintiff's motion for an extension of time [dkt #10] is **DENIED**.

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

Dated: December 6, 2006

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on December 6, 2006.

s/Tracy A. Jacobs  
TRACY A. JACOBS